

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:14-cr-0085-JMS-DML
	)	
DUSTIN HOWARD PENNINGTON,	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On October 18, 2018, and February 4, 2019, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on September 25, 2018. Defendant Pennington appeared in person with his appointed counsel Michael Donahoe. The government appeared by Brad Blackington, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Pennington of his rights and provided him with a copy of the petition. Defendant Pennington orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Pennington admitted violation 1.

[Docket No. 57.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1           **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On September 5, 2018, the offender submitted a urine sample which tested positive for amphetamines. He denied using any illegal drugs, and the specimen was forwarded to Alere Laboratory where it confirmed positive for methamphetamine.

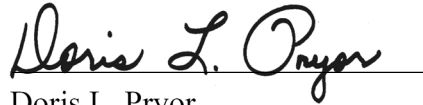
As previously reported to the Court, on April 18, September 3, and 10, 2017, Dustin Pennington submitted urine samples which tested positive for methamphetamine. On August 13, 2018, he submitted a urine sample which tested positive for Cannabinoids.

4.       The parties stipulated that:
- (a)       The highest grade of violation is a Grade B violation.
  - (b)       Defendant’s criminal history category is IV.
  - (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months’ imprisonment.
5.       The parties jointly recommended a modification to Defendant Pennington’s current conditions of supervised release to include the continuation and completion of MRT. All other conditions of supervised release remain in effect.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the condition in the petition, that his supervised release should be MODIFIED to include continuation and completion of Moral Reconation Therapy (MRT).

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 3/25/2019

A handwritten signature in black ink, reading "Doris L. Pryor", written over a horizontal line.

Doris L. Pryor  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system

United States Probation Office, United States Marshal